

PUBLIC NOTICE
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 4, WATER PROGRAMS ENFORCEMENT BRANCH
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303

DATE: **February 11, 2008**

PUBLIC NOTICE NO. **CWA-04-2008-4506(b)**

The U.S. Environmental Protection Agency (EPA), Region 4, hereby gives notice of the issuance of a Consent Agreement and Final Order to Timberleaf II, LLC for its construction site known as Timberleaf Subdivision, McCalla, Alabama (the Respondent). EPA intends to assess administrative penalties of \$9,000 under the authority of Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. Sections 1311 and 1342(p). The alleged violations cited are of Section 301(a) and 402(p) of the CWA. The Respondent is being cited for failure to meet the requirements of the *Alabama Department of Environmental Management National Pollutant Discharge Elimination System (NPDES) Construction, Noncoal/Nonmetallic Mining and Dry Processing Less than Five Acres, Other Land Disturbance Activities, and Areas Associated With These Activities General Permit for Storm Water Discharges Associated With Industrial Activity* NPDES Permit No. ALR100000, issued effective March 1, 2003, and revised September 19, 2006.

Any person wishing to comment on the proposed penalty assessment must submit such comments in writing or send an email on the EPA Region 4 Website http://www.epa.gov/region4/water/wpeb/npdes_states.html#email to the Regional Hearing Clerk at U.S. EPA, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, within 30 days of this notice. Please include the Public Notice and Docket Numbers on the first page of any comments. The Respondent has the opportunity to request a hearing on the proposed complaint within 30 days of receipt of the document. Any person who comments on this proposed complaint shall be given notice of any hearing on the complaint, and shall have a reasonable opportunity to be heard and present evidence. A Final Order will be issued at the close of the comment period unless a hearing is requested, requiring a delay in issuance of the Final Order.

Information, copies of the proposed assessments, or future public notices related to this matter may be obtained by contacting Ms. Mary Mattox at (404) 562-9733. The Administrative Record, including information submitted by the Respondent and comments received from the public, are available for examination at the EPA office address given above. The file will be open for public inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday.